

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shola Gbemi	Team: Squad #5	CCRB Case #: 201900182	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/30/2018 11:30 PM, Monday, 12/31/2018	Location of Incident: In front of § 87(2)(b)	Precinct: 111	18 Mo. SOL 6/30/2020	EO SOL 2/14/2021	
Date/Time CV Reported Mon, 12/31/2018 12:21 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/07/2019 11:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Suzanne Balsdon	08561	963390	111 PCT
2. POM Brian Bang	20481	938022	111 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Kurinne Sohan	04976	924087	111 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Bang	Abuse: Police Officer Brian Bang refused to provide his name to § 87(2)(b)	
B.POM Brian Bang	Abuse: Police Officer Brian Bang refused to provide his shield number to § 87(2)(b)	
C.POF Suzanne Balsdon	Abuse: Police Officer Suzanne Balsdon refused to provide her name to § 87(2)(b)	
D.POF Suzanne Balsdon	Abuse: Police Officer Suzanne Balsdon refused to provide her shield number to § 87(2)(b)	

Summary of Complaint

On December 31, 2018, § 87(2)(b) filed the following complaint by phone with IAB, which generated original log number 18-51036. The CCRB received the complaint on January 7, 2019.

On December 30, 2018, at approximately 11:30 p.m., § 87(2)(b) saw a motorist crash into a parked vehicle down the block from his home at § 87(2)(b) in Queens. § 87(2)(b) called 911 to report the incident, and Police Officer Brian Bang and Police Officer Suzanne Balsdon of the 111th Precinct responded to the location. During the incident, § 87(2)(b) asked PO Bang for his name at least three times and for his shield number at least 19 times. PO Bang did not provide his name or shield number to § 87(2)(b) (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). PO Balsdon allegedly refused to provide her name and shield number to § 87(2)(b) (**Allegations C-D: Abuse of Authority, § 87(2)(g)**).

The investigation obtained seven clips of cellphone footage from § 87(2)(b) (BR 03-07). The investigation also obtained BWC footage (BR 12-13).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Brian Bang refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Brian Bang refused to provide his shield number to § 87(2)(b)

It is undisputed that PO Bang did not provide his name or shield number to § 87(2)(b)

§ 87(2)(b) provided accounts of the incident when he filed the complaint with IAB, during a CCRB phone statement and at an in-person interview (BR 01; BR 02). These statements were generally consistent.

§ 87(2)(b) recounted that he stood behind his fence and watched as the officers stood beside the motorist's vehicle and spoke to him about the accident. § 87(2)(b) estimated that he was no more than 15 feet away from the officers. Eventually PO Balsdon returned to the RMP while PO Bang remained standing beside the motorist's vehicle. PO Bang noticed § 87(2)(b) standing behind his fence and asked him, "Can I help you, sir?" § 87(2)(b) said that he thought PO Bang should administer a sobriety test to the motorist, and PO Bang replied that he did not smell alcohol on the motorist's breath. § 87(2)(b) then asked PO Bang, "Excuse me officer, what's your name?" PO Bang did not respond to § 87(2)(b)'s question. § 87(2)(b) then asked PO Bang, "Excuse me officer, what's your badge number?" PO Bang responded to § 87(2)(b) by telling him that the situation was not his concern. § 87(2)(b) then began to use profanity toward PO Bang. He estimated that during the following 40 minutes, he asked PO Bang for his shield number about 12 times. PO Bang never provided his name or shield number.

§ 87(2)(b) filmed with his cellphone throughout the incident, and he provided seven video clips to the investigation. The clips document brief portions of the incident over the course of more than 30 minutes. In total, the clips show § 87(2)(b) asking for PO Bang's name three times and for his shield number 19 times. These instances variously occurred when PO Bang was speaking to the motorist, when he was walking to and from the RMP, when he was helping the motorist enter another vehicle, and when he was speaking to a tow truck driver. The footage does not show definitively that PO Bang heard every request that § 87(2)(b) made, but it does show that PO Bang responded to § 87(2)(b) multiple times when § 87(2)(b) asked for his name and shield number. At no point in any of the clips does PO Bang state his name or shield number to § 87(2)(b).

Clip #1 shows that § 87(2)(b) initially spoke to PO Bang from behind his fence as PO Bang and PO Balsdon spoke to the motorist (BR 03). § 87(2)(b) asked PO Bang for his name three times and for his shield number twice over the course of about two and a half minutes, while also arguing with PO Bang about the circumstances of the car accident and insisting that the motorist was drunk. During this time, PO Bang made approximately eight statements to § 87(2)(b) when he was standing beside the motorist's vehicle and later as he walked back to his RMP. In one instance, PO Bang replied to § 87(2)(b)'s request for his name by noting that the motorist had only struck a parked vehicle. When § 87(2)(b) asked, "So you're refusing to give me your name?" PO Bang replied, "You're not involved in this." As he was walking to his RMP, PO Bang again told § 87(2)(b) that he was not involved in the incident, and retorted that the motorist was not intoxicated.

Similarly, in Clip #6, § 87(2)(b) stood in the street to film the license plate of another vehicle which arrived to pick up the motorist (BR 06). PO Bang also stood in the street as he escorted the motorist from one vehicle to another. § 87(2)(b) asked PO Bang for his shield number twice, and PO Bang instructed him to get out of the street. § 87(2)(b) asked for PO Bang's shield number a third time, but PO Bang did not respond and reentered the RMP.

Clip #6 and Clip #7 show that § 87(2)(b) eventually began screaming profane insults at PO Bang while continuing to request his shield number (BR 07). § 87(2)(b) did not use profanity or otherwise insult the officers during the earlier clips.

PO Bang admitted that he never provided his name or shield number to § 87(2)(b) but explained that he tried to ignore § 87(2)(b) during the incident and therefore did not know if § 87(2)(b) ever requested his name or shield number (BR 08). He recounted that as he attempted to obtain the motorist's information at the beginning of the incident, he noticed § 87(2)(b) standing approximately 30 feet away behind his fence while filming with his cellphone. He asked § 87(2)(b) "Can I help you?" § 87(2)(b) replied, "You're not going to do anything?" PO Bang tried to ignore § 87(2)(b) because he was far away and had nothing to do with the incident. § 87(2)(b) kept saying, "He's drunk. You're not going to arrest him?" PO Bang replied, "Arrest him for what? Listen, we're going to issue him a summons for leaving the scene of an accident, and that's it."

§ 87(2)(b) continued to film and "blurted out words" throughout the incident, both as the officers sat in the RMP and when PO Bang left his RMP and returned to the motorist's vehicle.

PO Bang could not recall what § 87(2)(b) “blurted out” because he was focused on dealing with the motorist and the vehicle accident. PO Bang explained that he decided to ignore § 87(2)(b) because § 87(2)(b) was not involved in the vehicle accident. He noted that officers frequently contend with civilians who yell at them, and he described § 87(2)(b) as “just some person on the street yelling” and “someone that came out of nowhere filming us.” PO Bang felt that § 87(2)(b) was “acting weird” and “just screaming stuff,” he recounted thinking that § 87(2)(b) was “crazy,” and he noted that § 87(2)(b) was irate.

When asked if § 87(2)(b) ever requested his name or shield number, PO Bang acknowledged that § 87(2)(b) may have done so, but that he did not know because he was not listening to § 87(2)(b).

PO Balsdon testified that she could not recall if § 87(2)(b) ever asked for PO Bang’s name or shield number (BR 09). She recounted seeing § 87(2)(b) filming from behind his fence, and she recalled PO Bang initially asking § 87(2)(b) “How can I help you?” She could not recall if § 87(2)(b) replied to PO Bang. She noted that she was busy interviewing the motorist at that time.

PO Bang did not activate his BWC until the conclusion of the incident, when Sergeant Kurrine Sohan of the 111th Precinct arrived and tried to speak to § 87(2)(b). The footage shows that § 87(2)(b) screamed at Sgt. Sohan and told her that PO Bang had not provided his shield number. Sgt. Sohan stated her name and shield number to § 87(2)(b) before leaving the scene. The NYPD could not locate any BWC footage from PO Balsdon.

NYPD Patrol Guide Procedure 203-09 requires that an officer courteously and clearly state his or her name and shield number to anyone who requests that he or she do so (BR 10).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (C) Abuse of Authority: Police Officer Suzanne Balsdon refused to provide her name to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Suzanne Balsdon refused to provide her shield number to § 87(2)(b)

§ 87(2)(b) recounted that he asked PO Balsdon for her name and shield number three to four times, both when she was inside and outside of the RMP. PO Balsdon never provided her name or shield number (BR 02).

PO Balsdon could not recall whether § 87(2)(b) asked her for her name or her shield number at any point (BR 09). PO Balsdon denied that she refused to provide her name or shield number to § 87(2)(b). PO Bang denied hearing § 87(2)(b) ask PO Balsdon for her name or shield number (BR 08).

The cellphone footage shows that, at one point, § 87(2)(b) stood near the passenger side of the RMP as PO Balsdon sat in the front passenger seat with the window raised (BR 04). § 87(2)(b) asked once for PO Balsdon's shield number. PO Balsdon did not reply. It is not clear from the footage if PO Balsdon could hear § 87(2)(b)'s question from inside the RMP, or even if she was aware of his presence at the time. None of the video clips shows § 87(2)(b) asking PO Balsdon for her name, nor does any clip show him asking for her shield number when she is outside of the RMP.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 11).
- Police Officer Brian Bang has been a member of the NYPD for 13 years and has been a subject in three CCRB complaints and eight allegations, of which two were substantiated:
 - 201710579 involved substantiated allegations of interference with a recording device and search of a recording device against PO Bang. The Board recommended Command Discipline B. The NYPD has not yet imposed discipline.
 - § 87(2)(g)
- Police Officer Suzanne Balsdon has been a member of the NYPD for two years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil & Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- The undersigned requested record of any Notice of Claim filed regarding this incident with the New York City Comptroller's Office. As of the date of this report, no response has been received. The response will be added to the case file upon receipt (BR 15).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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